

SENATE BILL NO. 553

BY SENATOR CLAITOR

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 894(B)(2) and to enact Code of  
3 Criminal Procedure Article 894(A)(7) and (B)(3), relative to suspension and deferral  
4 of criminal sentences; to provide relative to probation for cases assigned to certain  
5 substance abuse programs; to provide relative to discharge and dismissal of certain  
6 prosecutions under certain circumstances; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 894(B)(2) is hereby amended and  
9 reenacted and Code of Criminal Procedure Article 894(A)(7) and (B)(3) are hereby enacted  
10 to read as follows:

11 Art. 894. Suspension and deferral of sentence; probation in misdemeanor cases

12 A. \* \* \*

13 (7) When a case is assigned to an established driving while intoxicated  
14 court or sobriety court program certified by the Louisiana Supreme Court Drug  
15 Court Office, the National Highway Traffic Safety Administration, or the  
16 Louisiana Highway Safety Commission, with the consent of the district  
17 attorney, the court may place the defendant on probation for a period of not  
18 more than four years if the court determines that the successful completion of  
19 the program may require that the period of probation exceed the two-year limit.  
20 If necessary to assure successful completion of the driving while intoxicated  
21 court or sobriety court program, the court may extend the duration of the  
22 probation period. The period of probation as initially fixed or as extended shall  
23 not exceed four years.

24 B. \* \* \*

25 (2) The dismissal of the prosecution shall have the same effect as an  
26 acquittal, except that the conviction may be considered as a ~~first~~ **prior** offense and  
27 provide the basis for subsequent prosecution of the party as a multiple offender.

1 Discharge and dismissal under this provision may occur only once with respect to  
 2 any person during a five-year period. ~~However,~~ **Except as provided in**  
 3 **Subparagraph (3) of this Paragraph,** discharge and dismissal under this provision  
 4 for the offense of operating a vehicle while intoxicated may occur only once with  
 5 respect to any person during a ten-year period.

6 **(3) Discharge and dismissal pursuant to the provisions of this**  
 7 **Subparagraph may occur on a single subsequent prosecution and conviction**  
 8 **which occurs during the ten-year period provided for in Subparagraph (B)(2)**  
 9 **of this Article if the following conditions are met:**

10 **(a) The offender has successfully completed a driving while intoxicated**  
 11 **court or sobriety court program pursuant to Subparagraph (A)(7) of this**  
 12 **Article.**

13 **(b) The conditions imposed by the court pursuant to the provisions of**  
 14 **Subparagraph (A)(3) of this Article have been met.**

15 \* \* \*

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 PRESIDENT OF THE SENATE

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 SPEAKER OF THE HOUSE OF REPRESENTATIVES

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 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_